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LC000911/SUB A/3
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO HUMAN SERVICES -- THE YOUTH PROTECTION ACT

Introduced By: Representatives McEntee, Carson, Casimiro, Craven, and O'Brien

Date Introduced: January 26, 2017

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40-13.2-1 and 40-13.2-5.1 of the General Laws in Chapter 40-13.2
2 entitled "Certification of Child Care and Youth Serving Agency Workers" are hereby amended to
3 read as follows:

4 **40-13.2-1. Definitions.**

5 For the purpose of this chapter

6 (1) "Child" means any person less than eighteen (18) years of age, provided that a person
7 over eighteen (18) years of age and not yet twenty-one (21) years of age who is nevertheless
8 subject to continuing jurisdiction of the family court, pursuant to chapter 1 of title 14 or is
9 identified as emotionally disturbed as defined in chapter 7 of title 40.1 or is identified as
10 developmentally delayed in accordance with § 40.1-1-8 shall be a child for purposes of this
11 chapter.

12 (2) "Department" means the department of children, youth, and families.

13 (3) "Director" means the director of the department of children, youth, and families or the
14 designee of the director.

15 (4) "Person" when used to describe the owner or operator of a facility which must be
16 licensed or registered with the department or when used to describe a youth serving agency
17 worker includes individuals, associations, and corporations.

18 (5) "[Volunteer](#)" means [any person providing volunteer services who has supervisory or](#)
19 [disciplinary authority over a child or children or whose work involves routine contact with a child](#)

1 [or children without the presence of other employees or volunteers.](#)

2 ~~(5)~~(6) "Youth serving agency" means any facility or program which is operated for more
3 than two (2) hours per day at least one day per week, and which provides programs and activities
4 for children and employs persons who have supervisory or disciplinary authority over a child or
5 children. School programs operated by schools certified under the provisions of title 16 of the
6 general laws are not considered youth serving agencies pursuant to this chapter.

7 ~~(6)~~(7) "Youth serving agency worker" means any person in the employ of a youth
8 serving agency who has supervisory or disciplinary authority over a child or children or whose
9 work involves routine contact with a child or children without the presence of other employees.
10 [This shall include any private vendor, independent contractor, contract employee or those who](#)
11 [are hired by a third party that has contracted with the youth serving agency to provide services](#)
12 [and whose work involves routine contact with a child or children without the presence of other](#)
13 [employees.](#)

14 **40-13.2-5.1. Criminal records check -- Employee of youth serving agency.**

15 (a) Any person seeking employment [or seeking to volunteer](#), if that employment [or](#)
16 [volunteering](#) involves supervisory or disciplinary power over a child or children or involves
17 routine contact with a child or children without the presence of other employees, in any facility or
18 program which is a youth serving agency shall file with the employer the affidavit required by §
19 40-13.2-3. Said affidavit shall be maintained on file by the employer and shall be made available
20 for inspection by the parent(s)/guardian(s) of any child who is enrolled in the programs of the
21 youth serving agency.

22 (b) Any person seeking employment [or seeking to volunteer](#), if that employment [or](#)
23 [volunteering](#) involves supervisory or disciplinary authority over a child or children or involves
24 routine contact with a child or children without the presence of other employees, in any youth
25 serving agency, shall apply ~~to the bureau of criminal identification of the attorney general's office~~
26 for a [national](#) criminal records check. [The national criminal records check shall include](#)
27 [fingerprints submitted to the Federal Bureau of Investigation \(FBI\) by the bureau of criminal](#)
28 [identification of the department of the attorney general, the division of the state police, or the](#)
29 [local police department for a national criminal records check. The national criminal records check](#)
30 [shall be processed prior to the commencement of employment or volunteer activity.](#)

31 (c) Those items of information appearing on a [national](#) criminal records check which
32 have been determined to constitute disqualifying information by the director pursuant to § 40-
33 13.2-4 of this chapter shall also be items of disqualifying information pursuant to this section.

34 (d) Upon the discovery of any disqualifying information as defined in accordance with

1 the rule promulgated by the director, the bureau of criminal identification of the ~~attorney general's~~
2 ~~office~~ department of the attorney general, the division of the state police, or the local police
3 department will inform the applicant, in writing, of the nature of the disqualifying information. In
4 addition, the bureau of criminal identification of the ~~attorney general's office~~ department of the
5 attorney general, the division of the state police, or the local police department will inform the
6 applicant, in writing, without disclosing the nature of the disqualifying information, that an item
7 of disqualifying information has been discovered.

8 (e) In those situations in which no disqualifying information has been found, the bureau
9 of criminal identification of the ~~attorney general's office~~ department of the attorney general, the
10 division of the state police, or the local police department will inform both the applicant and the
11 employer, in writing, of this fact.

12 (f) The employer will maintain on file, and make available for inspection by the
13 parent(s)/guardian(s) of any child enrolled in the programs of the youth serving agency, evidence
14 that criminal records checks have been obtained on all employees of the youth serving agency
15 pursuant to § 40-13.2-5.1, and the results of the checks. ~~The criminal records checks will be~~
16 ~~provided to the applicant for employment without charge.~~

17 (g) The applicant shall be responsible for the cost of conducting the national criminal
18 records check through the bureau of criminal identification of the department of the attorney
19 general, the division of the state police or the local police department.

20 SECTION 2. This act shall take effect on August 1, 2017.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HUMAN SERVICES -- THE YOUTH PROTECTION ACT

1 This act would require persons who provide volunteer services with youth serving
2 agencies to get a national criminal records check if the volunteer service involves supervisory or
3 disciplinary power over a child or where the services involve routine contact with a child without
4 the presence of other employees or volunteers.

5 This act would take effect on August 1, 2017.

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